IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 11001 of 2006(I)

PETITIONER:

VARKEY VARKEY,
KURISHINKAL HOUSE,
PALLIPPURAM.P.O, CHERTHALA.

BY ADV. SRI.JOBY CYRIAC

RESPONDENTS:

1. **PALLIPPURAM GRAMA PANCHAYATH,**
   PALLIPPURAM.P.O, CHERTHALAI,
   REP. BY ITS SECRETARY.

2. **THE ENVIRONMENTAL ENGINEER,**
   POLLUTION CONTROL BOARD,
   ALAPPUZHA.

3. **THE DEPUTY DIRECTOR OF FISHERIES,**
   ALAPPUZHA.

4. **MANY IMMANUEL KADAVAN,**
   KADAVAN HOUSE,
   PALLIPPURAM.P.O, CHERTHALAI.

5. **BABU PARAMESWARAN,**
   KARIATTE HOUSE,
   PALLIPPURAM.P.O, CHERTHALAI.

BY ADV. SRI.K.N.CHANDRABABU
SRI.N.NAGARESH
SRI.C.C.ABRAHAM SC FOR PCB
SRI.G.GOPAKUMAR (CHERTHALA)
SRI.M.K.CHANDRAMOHAN DAS, SC, KPCB
BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/08/2007 ALONG WITH CONTEMPT OF COURT CASE NO.1046/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.11001/2006 I

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF CERTIFICATE DTD. 28/02/1990 ISSUED BY THE 3RD RESPONDENT.**

EXT.P2: **COPY OF RECEIPT DTD. 26/06/2006 ISSUED BY 3RD RESPONDENT.**

EXT.P3: **COPY OF MASS PETITION DTD. 18/12/2004 SUBMITTED BEFORE FISHERIES DEPARTMENT.**

EXT.P4: **COPY OF PETITION DTD. 13/03/2006 SENT BY THE PETITIONER TO 2ND RESPONDENT.**

EXT.P5: **COPY OF PETITION DTD. 13/03/2006 SENT BY THE PETITIONER TO 1ST RESPONDENT.**

EXT.P6: **PAPER REPORTS APPEARED IN MALAYALA MANORAMA DAILY DTD. 8/10/2006.**

EXT.P7: **COPY OF THE RECEIPT DTD. 12/10/2006 FOR PAYMENT OF ANNUAL LICENCE FEE FOR THE YEAR 2006-07.**

4TH RESPONDENT'S EXHIBITS:

EXT.R4(A): **COPY OF THE PROJECT PROFILE.**

EXT.R4(B): **COPY OF THE APPLICATION DTD.2/09/1995 FOR LICENCE SUBMITTED TO THE 1ST RESPONDENT.**

EXT.R4(C): **COPY OF THE DECISION NO.20 DTD. 4/09/1995 OF THE 1ST RESPONDENT.**

EXT.R4(D): **COPY OF THE FORM NO.XXXIII RECEIPT DTD. 5/02/1996.**

EXT.R4(E): **COPY OF CERTIFICATE NO.63-1/96 DTD. 5/02/1996 OF THE 1ST RESPONDENT.**

EXT.R4(F): **COPY OF THE RECEIPT DTD. 5/03/1997 ISSUED TO ME BY THE 1ST RESPONDENT PANCHAYAT.**

EXT.R4(G): **COPY OF THE COMPLAINT DTD. 4/08/2006 SUBMITTED TO THE S.I. OF POLICE.**

EXT.R4(H): **COPIES OF FORM TR.5 IN RESPECT OF THOSE NETS.**

/TRUE COPY/

P.S.TO JUDGE

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

= =

WP(C).No.11001/2006-I &

Cont.Case(C).No.1046/2007-S

= =

Dated this the 2nd August, 2007.

JUDGMENT

The complaint in the writ petition is about the pollution in an area in Vembanad Kayal, one of the prominent lakes in Kerala. The petitioner alleges that even fishing has become impossible by unabated pollution of the waters by those involved in ginning coconut fibre. Going by the reports placed on record by the Environmental Engineer of the Pollution Control Board and the materials produced by it in the contempt of court case, it is the indisputable position that there is pollution and that the Pollution Control Board has taken note of that fact. The Pollution Control Board has

hence issued directions to the panchayats to ensure that the units apply the methodology developed by the Central Coir Research Institute, Kalavoor, which is the Central Government institution which has developed a new technology for processing the raw husk fibre without being soaked in the waters. While the intention of that decision of the Pollution Control Board is to prevent further pollution, it has to be ensured that persons not resorting to the directions given by the Pollution Control Board are not permitted to work, in any manner, leading to further pollution of the waters in question. The complaint of the petitioner is regarding the action within the jurisdiction of the first respondent panchayat.

Under the aforesaid circumstances, the first respondent panchayat is directed to take appropriate action as is available under the Panchayat Laws to ensure that there is no activity of ginning coconut fibre by soaking in the lake. The Pollution Control Board will also do the needful to ensure that these directions are strictly complied with and

appropriate action is taken in accordance with law against those failing to abide by the laws.

With the above directions, the writ petition and the contempt of court case are disposed of.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/